

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

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U.S. DISTRICT COURT
W. DIST. OF N.C.

Timothy H. Henderson
a North Carolina resident,

Plaintiff,

v.

RAPCO, Inc
a Wisconsin corporation,

Defendant.

Civ. A. No. 3:03CV393-McK

COMPLAINT
(Jury Trial Demanded)

COMES NOW Plaintiff Timothy H. Henderson and for his Complaint against Defendant RAPCO, Inc., alleges and says:

JURISDICTION AND VENUE

1. This civil action arises under the Patent Laws of the United States, United States Code, Title 35, Section 1 et seq., and in particular, 35 U.S.C. § 271.
2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a) as the claims of the Complaint arise under the Patent Laws of the United States.
3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400.

PARTIES

4. Plaintiff Timothy H. Henderson is a resident of North Carolina, and has his principal place of business located at 1240 Springwood Avenue, Gibsonville, North Carolina 27249.

5. Upon information and belief, Defendant RAPCO, Inc. is a corporation organized and existing under the laws of the State of Wisconsin, and has its principal place of business located at 445 Cardinal Lane, Hartland, Wisconsin 53029.

6. Upon information and belief, Patrick J. White is the registered agent for Defendant RAPCO, Inc. and has an address of 445 Cardinal Lane, Hartland, Wisconsin 53029.

CLAIM FOR RELIEF

Patent Infringement

7. Plaintiff and Defendant both sell improved carbon dry-vane air pumps used primarily in the aviation industry. Such air pumps are designed to allow measurement of the wear of their carbon vanes without major disassembly.

8. Plaintiff is the owner by assignment from Aero Accessories, Inc. of U.S. Patent No. 6,565,337 titled "Method and Apparatus for Inspecting Vanes in a Rotary Pump," attached as exhibit 1 to this complaint, and hereinafter referred to as "the '337 patent."

9. Defendant is infringing the '337 patent by making, using, selling, offering for sale and/or importing in this District and elsewhere in the United States and its territories, air

pumps within the scope of one or more claims of the '337 patent in violation of the Patent Laws of the United States, including, *inter alia*, 35 U.S.C. § 271.

10. Defendant's infringement of the '337 patent is irreparably harming and causing damages to Plaintiff, and will continue to do so unless and until restrained by this Court.

WHEREFORE, Plaintiff prays:

A. That this Court preliminarily and permanently enjoin Defendant from infringing the '337 patent pursuant to 35 U.S.C. § 283;

B. That Plaintiff be awarded judgment against Defendant for damages resulting from its infringement of the '337 patent;

C. That this Court award Plaintiff interest, cost and such further relief that this Court deems just and equitable; and;

D. That this Court order Defendant to pay Plaintiff all its reasonable taxable costs and attorneys' fees in a sum and manner deemed appropriate by this Court; and

E. That all issues be tried to a jury.

Respectfully submitted,

By: 

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VERIFICATION OF COMPLAINT

Timothy H. Henderson, being first duly sworn, deposes and says that he is the President of Plaintiff Aero Accessories, Inc., that he has read the attached Complaint, and that the statements made therein are true except as to those matters stated upon information and belief, and as to those matters, he believes them to be true.

This, the 5 day of August, 2003.



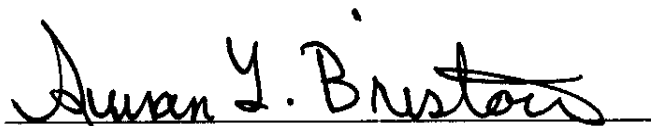
Timothy H. Henderson
President
Aero Accessories, Inc.

STATE OF NORTH CAROLINA

COUNTY OF Alamance

I, Susan L. Bristow hereby certify and acknowledge that Timothy H. Henderson, President of Aero Accessories, Inc., after being duly sworn, appeared before me this day and executed the foregoing Verification of Complaint.

This, the 5th day of August, 2003.



Notary Public

My Commission Expires: 3/30/08

SEAL